

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The indication that Claims 29, 31-39, 55 and 57-63 are allowed is appreciatively noted. These claims are retained herein.

Claims 13-24, 44 and 46-49 and 64-77 stand rejected based on prior art. Claims 64-77 have been canceled to obviate the rejection thereto.

Claim 13 has been amended to recite that the seed voxels have a probability of being correct greater than a specified amount. This enables a disparity map to be created as a volume in the x,y,d space that are relatively continuous in that space. The seed voxels are only used when they are sure or reasonably sure to be correct.

None of the cited prior art in any way teaches or suggests this feature. Claim 13 was rejected based on Woodfill et al. in view of the Hartley et al. article and further in view of Ayache et al. However, none of these references teach or suggest this feature of the disparity map.

Claim 13 should hence be allowable along with the claims that depend therefrom.

Claim 44 has been amended to include a recitation of a variable that indicates the likelihood of error in the three-

dimensional surface. Such a variable is not taught or suggested by the cited prior art, and hence Claim 44 should be allowable.

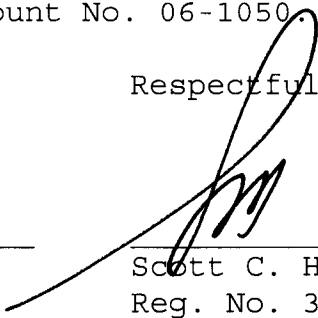
Claim 46 has been similarly amended to recite a variable that indicates the likelihood of error in the three-dimensional surface.

Hence, each of the rejected claims have either been substantially amended or canceled. This should obviate all of the rejections in the case, and a notice of allowance is hence respectfully solicited.

Applicants asks that all claims be allowed. No fee is believed to be due, however please apply any applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: December 6, 2006



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